



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Leandro Delvalle,  
Keyboarding Clerk 2, Bilingual in  
Spanish and English (PM0042A),  
Elizabeth

Examination Appeal

CSC Docket No. 2020-488

**ISSUED: OCTOBER 25, 2019 (SLK)**

Leandro Delvalle requests to have his score from the Keyboarding Clerk 2 (PM0037A) examination transferred to the Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A) examination.

By way of background, Delvalle’s permanent title is Keyboarding Clerk 1 and he has been provisionally serving in the subject title since June 1, 2018. It is noted that the appointing authority has two other employees who are also provisionally serving in the subject title. The Keyboarding Clerk 2 (PM0037A) and Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A) announcements were both issued on January 1, 2019 and both had January 22, 2019 closing dates. Both examinations were open to the same titles, to those serving in the Municipal Court, and had the same experience requirements. The only difference was that Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A) candidates additionally needed to demonstrate that they were proficient in Spanish. Eleven candidates applied for Keyboarding Clerk 2 (PM0037A) and 10 were found eligible, including Delvalle. All 10 candidates have the same score and nine of the candidates’ names have been certified on certification PL191036. Its disposition is due October 29, 2019.

The two individuals who are provisionally serving in the subject title applied for Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A). Both were found eligible and have the same score as those candidates on the PM0042A list. Additionally, the two eligibles’ names were certified on certification PL191131. Its disposition is due November 12, 2019. Although the appointing authority provided

documentation indicating that Delvalle was notified about the Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A) examination, he failed to apply to that examination.

In his request, Delvalle indicates that he mistakenly applied for Keyboarding Clerk 2 (PM0037A) instead of the subject examination. He states that when completing the on-line application, he made an honest mistake by putting in the wrong code. Delvalle requests that his score from Keyboarding Clerk 2 (PM0037A) be transferred to the subject examination.

### CONCLUSION

*N.J.A.C.* 4A:4-2.1(e) provides that applications must be filed no later than the announced filing deadline. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this matter, Delvalle asserts that he mistakenly applied for Keyboarding Clerk 2 (PM0037A) and he intended to apply for the subject examination. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Further, the Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A) list is incomplete as there are only two employees on the list. Additionally, as there are three employees who are serving provisionally in the subject title, including Delvalle, it is anticipated that the appointing authority will need to fill three positions for the subject title. Moreover, the eligibility requirements for the two examinations are the same and the other candidates for the subject examination have the same score as Delvalle. Therefore, the Commission finds that there is good cause to relax *N.J.A.C.* 4A:4-2.1(e) and Delvalle shall submit the attached application and application fee for the Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A) examination. Upon acceptance of his application, Delvalle's score from the Keyboarding Clerk 2 (PM0037A) examination shall be applied to the Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A) examination for prospective employment opportunities only.

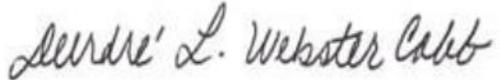
This determination is limited to the instant matter and does not provide precedent in any other matter.

**ORDER**

Therefore, it is ordered that this request be granted, and Leandro Delvalle be permitted to submit an application for the Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A), examination. It is further ordered that Mr. Delvalle submit a promotional application and the \$25.00 application processing fee to the Division of Agency Services. The application and processing fee must be postmarked no later than 15 days from the issuance date of this decision. Upon receipt of the application and processing fee, it is ordered that his application be processed and his score from the Keyboarding Clerk 2 (PM0037A) examination be applied to the Keyboarding Clerk 2, Bilingual in Spanish and English (PM0042A) examination. Finally, if Mr. Delvalle's application and the required payment are not postmarked on or before the 15th day after the issuance date of this decision, he will not be entitled to have an application for the subject examination processed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 23<sup>rd</sup> DAY OF OCTOBER, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Leandro Delvalle (with blank application enclosure)  
Bridget Anderson  
Jennifer Robb  
Kelly Glenn  
Records Center